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1132.6.32

RELATION

Of the Tryal and Condemnation of
Edvvard FitzHarris,

AND

Oliver Plunket

Who were Tryed at the *Kings-Bench*
on the 8th. and 9th. of this Instant *June*, 1681.

And there found guilty and *Condemned* for

HIGH TREASON:

For Conspiring the Death of the KING,
and to Subvert the Protestant Religion and
Government, by raising *Rebellion* and

Leaving Warr.

With their last Speeches and Confession at the place of
EXECUTION.

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Charles II
1681

**The Relation of the Tryals of Edward
Fitz-Harris, and Oliver Plunket, who
were tryed at the Kings-Bench. &c.**

E *Edward Fitz-Harris* (the Debate about whose Tryal has filled all people with a longing expectation to know the Event.

It being a matter of a more than ordinary Nature, and attended with circumstances not usuall; having his Plea overruled: by which he pleaded to the Jurisdiction of the Court of *Kings-Bench* last Term, and then ordered to prepare for his Tryal the first *Thursday* in *Easter Term*; was by a Rule of Court brought from the *Tower* to *Westminster Hall*, where being set to the Barr: It was moved by Council, That he might be examined as to some particular points of Discovery, before he entered upon his Tryal; but the Court declared it could not then be granted: and if he would have made any discovery, he should have done it when he was upon Examination for that purpose: So that silence being proclaimed; the Jury were called, who were all Freeholders in the County of *Middlesex*, and after some exceptions (both for the King and the Prisoner) twelve were sworn, and then his Indictment was read, which contained such Treasons as are scarcely fit to be so much as mentioned; As to particulars, but in general to this Effect, that *Edward Fitz-Harris* the Prisoner at the Barr, as a false Traytor to our Sovereign Lord the King, had Maliciously and Trayterously conspired against His Crown and Dignity, intending Him to depose and murder by raising Rebellion and Leavying War to enslave the Nation to a Foreign Power, to introduce Popery and Arbitray Government: in order to the effecting which he had written, or caused to be written and designed to be dispersed

perfed amongst His Majesties Leige Subjects, a Scandalous and Treasonable Libell, Intituled, *The true English Man speaking plain English.* &c.

As for the Treasons mentioned in the Libell, upon which the Indictment was grounded, (which likewise was produced and read in Court) I shall forbear to mention, because I do not imagine them fit to be published: but their designed Effects (had not Heaven prevented) were to create a misunderstanding between the King and His people; to stir up fears and Jealousies, to render Him odious and contemptible to His Subjects, to terrifie them with apprehensions of Arbitrary Government Popery and slavery; not only to degrade His Majesties Royal Auncestors (of blessed Memory) to lay a blot upon His Majesty and His Posterity, and in fine to blow up a flame of Civil War amongst us: that the French and the Papist to be raised in *England* might have fallen upon when divided, and have put us all to the Sword; this was Jesuitick Policy to the Life, and outdid (if it be possible) Hell it self.

To this Indictment he pleaded not guilty, and for his Tryal, put himself upon God and the Countrey, when as Mr. *Attorney General* opened the Indictment to the Jury, telling them the Heighnousness of the Crime, and that not only the Kings Life was concerned in it, but likewise theirs, and every Protestants in *England*, *Scotland*, and *Ireland*: and that we had all been immediately destroyed, had it taken Effect after him; the Kings Soliciter, and Sr. *George Gessery* the Kings Councillour opened it to the same Effect, when as Mr. *Edmund Everard* one of the Kings witnesses, was called and sworn: who testified that *Pitz-Harris* the Prisoner at the Barr, about the 21. of *Feb.* 1681. Came to him at his Chamber in *Grays Inn*: and having had some small acquaintance with him in the French Army, he saluted him, and

desired that they might renew it : after which he fell into a discourse how hardly Mr. *Everard* had been used since he left the Catholick to espouse the Protestant interest : telling withall, that if he would joyn with the Popish Party, and be assisting to them, he should be well provided for, and that it would be very advantageous to him ; to this the witness seemingly consented to, after which he grew bolder in his discourse, that he had a design to have something writ, and knowing him a man Capable to undertake it, he would communicate it, which proved to be the Libell or Horrid Treason : for which he was afterward apprehended, and now tryed ; the which Mr. *Everard* consented too and took his Instructions, appointing a time when the Prisoner should call for it : but in the mean time he acquainted several worthy Gentlemen with what had passed ; who advised him to be secret, that so he might find out the bottom of the design, which he promised to do : and thereupon went to Sr. *William Waller*, and Mr. *Smith* one of the Discoverers of the PLOT, who promised him their assistance, who coming by themselves at two several times when *Fitz-Harris* had appointed to be there : Mr. *Everard* placed them so that they might not only see the Prisoner, but overhear every word, yet they remaine undiscovered ; by this means the whole design was layed open : for the Prisoner not in the least mistrusting any : who peeping through a Crevise, heard him discourse about the Libell, and seem somewhat displeased that it was not done. As likewise the said Mr. *Smith* heard him promise Mr. *Everard* a great reward, which should be given him by the French Ambassador for his better encouragement, and that he should be entered a Pensioner under the French King, and some thousands of Crowns besides an Annuall Pension : for said he that King cares not what Moneys he disburses, so he can accomplish his Designs, and that he

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was to have Forty Guineys from the French Ambassadors Confessor as soon as he had compleated the Libell: which Libell this Evidence saw him take up and read, crossing out and putting in as he thought fit, and that when this Libell was finished and dispersed, so that it had set the people a madding, that Mr. *Everard* should go to Common Council and Citizens of *London* to Incence them against the King, and perswade them to offer some Hundred Thousand of Pounds to the Parliament to sit at *Oxford*, to promise to stand by him with their Lives and Fortunes, to rise all as one Man, and not to Disband till their (pretended) grievances were settled.

These and such like Treasonable Practices were used by this Impious Traytor, to overthrow the Government and introduce a French Power: which he said would first Conquer *Flanders* and the low Countries, and then falling upon us, divided amongst our selves, would devour us as a Morfell. For so were his Expressions.

The next which gave Evidence was *Sr. William VValler*, who was likewise placed by Mr. *Everard* to over-hear his discourse; who saw the Papers before *Fitz-Harris* came: to which he gave a private mark that he might know them again; then he saw *Fitz-Harris* come in and heard him ask for um, the which when Mr. *Everard* delivered, he perused, and after having crossed out what he thought fit, and inserted several Sentences, he returned them to be fair written over: and when Mr. *Everard* began to boggle; Saying, *That it was a Treason of a very high Nature, and he knew not what to think of it.* Then *Fitz-Harris* replied, the more Treason the better, am not I as deeply concern'd in it as you, have you not part of it under my Hand.

Mr. *Everard* being again Examined what was to be done with them, he said *Fitz-Harris* told him they were to be dispersed in Penny Post Letters, and put into peoples Pockets and

and especially into some of the Protestant Lords, who thereupon were to be apprehended as Traytors, &c.

There were two more Evidences against him, but those not very Materiall, therefore I shall omit, only Sr. Phillip Floyd gave testimony that the Prisoner had confessed a Treasonable paper to be his own Hand writing.

After these and many other tedious Circumstances had possessed, the Kings Council summ'd up the Evidence, laying open the Heighnousness of the Crime in all its particulars; after which the Court gave the Jury their charge, and having satisfied them in some Scrupulous Queries they started in Relation, the Prisoner having been Impeached by the House of Commons, they went out, and after an hours Debate And on the 15th. of this instant June 1681 Oliver Plunket & Fitz-Harris were generally sentenced to be drawn hangd & quartered.

Mr. Fitz-Harris's Speech at his Execution at Tyburn July 1. 1681.

God People, This Infamous kind of Death is much more irksome to me than Death it self: Such a Judgement as this my Sins against God may justly bring upon me, and I do most humbly submit unto it. But as to the Crimes which I now die for, I take God to Witnes, I was no further concerned in the Libel, than to discover to the King what Practices of that kind were against him, being employed for that end, though those that employed me refused to do me Justice at my Trial. And I call God to witnes I never had a Farthing of Money of the King in my life, but on the Account of the like Service. And as to the Witnesses that have Sworn against me I do here solemnly declare, now at my Death, that I have not seen the French Ambassadour since the beginning of the breacking out of the Plot, neither have I had any acquaintance with him. And as to his Confessor, I never spoke with him in my life; neither have I had any dealing, either directly or indirectly in my life with them, though Sir Will. Waller and the rest Swore most falsly to the contrary. And how like it is that the French Ambassadour would give three thousand Crowns for Writing that Libel, I leave the world to judge. I forgive all the World, and do hope that God will forgive me. I beg the Prayers of all good People for a happy Passage into the other World.

EDWARD FITZ-HARRIS.

The last speech of *Mr. Oliver Plunket* Titular Primate of Ireland, who was Executed at Tyburn on Friday the 11th. of this instant July, 1681. Written by his own hand.

I Have some few daies past abided my Tryal at the Kings Bench, and now very soon I must hold up my hand at the King of Kings Bench, and appear before a Judge who cannot be deceived by false Witnesses, for he knoweth the secrets of Hearts, he being all goodness, and a most just judge, will infallibly decree an Eternal reward for all good works, and condign punishment for the smallest transgression against his Commandments. Which being a most certain and undoubted Truth; it would be a wicked Act, that I should now by declaring any thing contrary to Truth commit a detestable sin, for which within a very short time I must receive sentence of everlasting Damnation, after which there is no Reprieve or hope of Pardon. I will therefore Confess the Truth, without any Equivocation, and I protest upon the word of a Dying man, and as I hope for Salvation at the Hands of the supream Judge, that I will declare the Naked Truth with all Candor and Sincerity: And that my Affairs may be better known to all the world. *Tis to be observed that I have been Accused in Ireland of Treason and Præmunire, and that there I was Arraigned and brought to my Tryal; but the Prosecutors (men of Flagitious and Infamous Lives) perceiving that I had Records and Witnesses who would evidently convince them, and clearly shew my Innocency, & their wickedness; they voluntarily absented themselves, and came to this City that I should be brought hither to my Trial: Here after six Months close Imprisonment I was brought to the Bar the 3d of May, and Arraigned for a Crime for which I was before Arraigned in Ireland: A strange Resolusion, a rare Fact, of which you will hardly find a Precedent these 500 Years past: But whereas my Witnesses and Records were in Ireland, the Lord Chief Justice gave me five weeks time to get them brought hither, but by Reason of the uncertainty of the Seas, of wind and weather, I could not get them hither, I therefore begged for 12 daies more which the Lord Chief Justice denied: so I was brought to my Trial, Accusing me of these following points. 1st That I have sent Letters by one Nial O Neal who was my Page to Monsieur Baldeschi, the Popes Secretary, to the Bishop of Aix, and to Principe Colonna, that they might solicit Forrain Powers to invade Ireland, and also to have sent Letters to Cardinal Bullion to the same effect. 2^{ly}. to have employed Captain Con O Neal to the French King for succour. 3^{ly}. To have Levied and Exacted Monies from the Clergy of Ireland to bring in the French, and to maintain 70000 men. 4^{ly}. To have had in readines 70000 men, and Lists made of them. 5^{ly}. To have surrounded all the Forts and Harbours of Ireland, for the Frenches Landing. To all which I answer, as I hope for salvation I never sent Letters, raised sums, or Plotted against my King & Country.*

You see therefore what a Condition I am in, and you have heard what Protestations I have made of my Innocency, & I hope you will believe the words of a dying man; And that you may be the more induced to give me credit, I assure you, That a great Peer sent me notice, That he would save my life, if I would accuse others. but I answered, That I never knew of any Conspirators in Ireland, but such (as I said before) as were publickly known Outlaws; And that, to save my Life, I would not fallily accuse any, nor prejudice my own Soul. *Quid prodest homini, &c.* To take away any man's Life or Goods wrongfully, ill becometh any Christian, especially a man of my Calling, being a Clergy-man of the Catholick Church, and also an unworthy Prelate, which I now openly confess. Neither will I deny to have exercised in Ireland the Functions of a Catholick Prelate, as long as there was any Connivance or Toleration; and by Preaching, and Teaching, and Statutes, to have endeavoured to bring the Clergy (of which I had a care) to a due comportment, according to their Calling; and tho' thereby I did but my duty, yet some who would not amend had a prejudice for me, and especially my Accusers, to whom I did endeavour to do good; I mean the Clergy-men, (as for the four Laymen who appeared against me, viz. Florence Mac-Moyer, the 2 Neals, and Hanlon, I was never acquainted with them;) but you see how I am requited, and how by false Oaths they brought me to this untimely death; which wicked act being a defect of Persons, ought not to reflect upon the Order of S. Francis, or upon the Roman Catholick Clergy. It being well known, that there was a Judas among the 12 Apostles, and a wicked man called Nicholas amongst the seven Diacons; And even, as one of the said Diacons, to wit, holy Stephen, did pray for those who stoned him to death; so do I, for those who with Perjurios spill my Innocent Blood, saying, as St. Stephen did, O Lord lay not this Sin to them. I do heartily forgive them, and also the Judges, who (by denying me sufficient time to bring my Records and Witnesses from Ireland) did expose my Life to evident danger. I do also forgive all those who had a hand in bringing me from Ireland to be tryed here, where it was morally impossible for me to have a fair Tryal. I do finally forgive all who did concur, directly or indirectly, to take away my Life, and I ask forgiveness of all those whom I ever offended by Thought, Word, or Deed.

I beseech the All-powerful, That his Divine Majesty grant our King, Queen, and the Duke of York, and all the Royal Family, Health, long Life, and all Prosperity in this world, and in the next everlasting felicity.

To the final satisfaction of all Persons, that have the Charity to believe the Words of a Dying Man; I again declare before God, as I hope for Salvation, what is contained in this Paper, is the plain and naked truth without any Equivocation, Mental Reservation, or secret Evasion whatsoever; taking the Words in their usual sense and meaning, as Protestants do, when they discourse with all Candour and Sincerity. To all which I have here subscribed my Hand, OLIVER PLUNKET. FINIS

